IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.1264 of 2007
In
Civil Writ Petition No.3946 of 2006

The Maharashtra State Co-op. Bank Ltd. Petitioner
Vs.
Mr.Yeshwant V. Samant & anr. Respondents

Mr.S.P.Thorat for petitioner.
Ms.Ranjana Parikh for respondents.

CORAM: B.H.MARLAPALLE, J.

June 21, 2007.

P.C.

. Writ Petition No.3946 of 2006 has been dismissed by this Court on 19th June 2006. However, the petitioner - Bank was granted time to vacate the premises till 31st May 2007 subject to filing of an usual undertaking within a period of three weeks.

The Bank has filed an undertaking.

. This application has been taken out praying for extension of time to vacate the premises. It has been contended that inspite of the due steps having been taken by the Bank by releasing advertisement etc. in the local newspapers for acquiring suitable premises admeasuring 1200 sq.ft., the Bank has not yet been successful in acquiring such premised. The

Bank, therefore, has prayed for further time to be granted till 31st May 2008.

. The learned counsel for the landlords has stated that pending the result in the proceedings for mesne profits, they are willing to consider the Bank's request for extension provided the rental compensation amount be paid at the rate of Rs.150/- per square foot per month and this amount will be treated as on account pending the mesne profits proceedings and provided the Bank files a fresh undertaking with usual terms to vacate the premises by 31st March 2008.

. Hence, the application is allowed partly as under:

(a) The time to vacate the suit premises is extended upto 31st March 2008 subject to the Bank filing a fresh undertaking in the usual form within a period of two weeks from today with the Registry of this Court;

(b) The Bank shall pay on account compensation at the rate of Rs.150/- per sq.ft. per month and this

payment shall be subject to the final decision in the proceedings for recovery of mesne profits and without prejudice to the rights and contentions of both the parties in the said proceedings.

(c) In addition, the Bank shall be liable to pay the outgoings like taxes etc.

(B.H.MARL